(c) what are the names and designation of 8 employees who were charge sheeted under Rule 30-A?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) As reported by IDPL, out of the total 14 officials on absence as on 30.3.1990, 9 officials were not charge sheeted under Rule 30-A. IDPL Management had initiated action under 30-A against those employees who had been on unauthorised absence for 30 days and more and who continued to defy the orders of the Management.

(b) The question of reinstating in service arises only in respect of such employees who have been suspened/ dismissed or removed from service. An employee who had not been dismissed or removed from service is very much on the rolls of the company and the question of reinstating him does not arise. In case of unauthorised absence, he is to report back for duty. Once the employee reports on duty, the Management can take a sympathetic view and his unauthorised absence can be regularised by grant of leave to the extent due and he becomes entitled to leave salary for that period.

(c) The names and designation of the 8 employees against whom action was taken under Rule 30 A are as follows:

S/Shri

1. Kamal Bhasin, Marketing Executive
2. K. D. Gupta, Senior Divisional Manager
3. R. K. Shewaramani, Medical Representative.
4. R. Mondal, Medical Representative
5. Anurag Gupta, Medical Representative
6. R. K. Handa, Medical Representative
7. V. K. Wadhera, Medical Representative
8. Ashish Mukherjee, Medical Representative

Two rules dealing with unauthori Absence

4597. SHRI MD. SALIM:

Will the PRIME MINISTER pleased to refer to Unstarred Qu tion 2283 given in the Rajya Sa on 12th March, 1992 and state:

(a) whether two rules viz. 5 and 30-A, for dealing with unau rised absence from duty in the C duct, Discipline and Appeal Ru 1978 of IDPL are to applied sele vely at the discretion of the mana ment or there are any procedural tructions on the subject for the gu ance of the disciplinary authoriti

(b) whether the management ar rarily switched over from proceed under rule 5(7) ibid to rule 30 A the middle of proceedings under r 5 (7) in few cases and in some ot cases proceedings were simultaneou carried on under both Rule 5 (7) a Rule 30-A for the same offence;

(c) whether in all the above cases, the rule enunciated earlier the Supreme Court has been appl by the management of IDPL by course to the less harsh of the t rules namely 5 (7) instead of R 30-A; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN T MINISTRY OF CHEMICALS AI FERTILIZERS (SHRI CHINTA M HAN): (a) Rule 5 of the IDPL, C duct, Disciplinary & Appeal Ru 1978 only lists the type of misc duct for wihch an employee is lia to disciplinary action. The list is ustrative and not conclusive. Un thorised absence for more than days is one of such misconduct wh will render an employee liable to

ciplinary action. Rule 30-A lays down special procedure for certain categories of cases and this rule can be invoked in specified circumstances, namely (i) when a post held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company; and (iii) an employee remains on unauthorised absence for 30 days or more. A decision under rule 30-A is taken at the level of C&MD after scrutiny of each case by a Screening Committee and for reasons to be recorded in writing. While disciplinary action can also be taken under Rule 25 of the IDPL CDA Rules, for all acts of misconduct, Rule 30-A has application in specific circumstances. As reported by IDPL, action under Rule 30-A has been sparingly applied only in respect of 8 employees and the final disciplinary action was taken only in respect of two cases. The selective and discretionary approach in application of the rule rests solely with the highest authority in the company who is expected to act rationally and judiciously and each such case is decided after a scrutiny of a Screening Committee of two senior officers and for reasons to be recorded in writing.

(b) In view of reply to (a) above, it is clear that no disciplinary action is taken under Rule 5 (7). Therefore, the question of switching over from Rule 5 (7) to Rule 30-A or simultaneously proceeding under the two rules do not arise.

(c) and (d) Is view on reply to (b) the questions do not arise.

Names of Two Terminated Employees

4598. SHRI SUNIL BASU RAY: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1148 given in the Rajya Sabha on 7th May, 1992 and state:

(a) what are the reasons and names of two permanent employees of IDPL who were terminated under rule 30-A and from which date their termination became effective;

(b) whether it is a fact that both these employees were on unauthorised absence since 15th June, 1989 and 12th March, 1989 respectively when only rule 5 (7) read with rule 25 was existing in IDPL CDA rules;

(c) if so, the misconduct which was detected after four days as per rule 5 (7), then within how much time charge sheets were issued to both of them under rule 25 for disciplinary action;

(d) whether it is a fact that management of IDPL took almost eight months in one case to issue a charge sheet for unauthorised absence on 17th November, 1989 under rule 25 and after six months repeated the same identical charge sheet, because of its patent irregularity, on 21st May, 1990 undes rule 25 the later under the signature of C&MD;

(e) whether it is a fact that within ten days, after the second charge sheet, i.e. 1st June, 1990 a show cause notice was issued for the same offence, this time under rule 30-A, in the above case; and

(f) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) As reported by IDPL, services of Shri R. K. Shewramani, Medical Representative and Shri Kamal Bhasin, Marketing Executive were terminated with effect from 8-1-1991 and 12.3.1991 respectively. The reasons for termination of their services was continued defiance of the orders of the company. In the case of Shri Bhasin, he was transferred from Delhi to Gurgaon which even did not involve change in residence as Gurgaon is a part of the Delhi agglomeration. Shri Bhasin did not report at Gurgaon in compliance of the orders of the Management and